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11

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA, SOUTHERN DIVISION

14 ****

15 ALLSTATE INSURANCE COMPANY,
16 ALLSTATE PROPERTY & CASUALTY
INSURANCE COMPANY and ALLSTATE
INDEMNITY COMPANY,

17 Plaintiffs,

18 v.

19 OBTEEN N. NASSIRI, D.C., individually,
20 JENNIFER NASSIRI, individually, JIM
ANDERSEN, individually, CHRISTYN
21 ANDERSEN, individually, DAA TRUST, a
Nevada Trust, HARLEY TRUCK, LLC, a
22 Nevada limited liability company, 181
RUSTY PLANK, LLC, a Nevada limited
23 liability company, ANDERSEN FAMILY
TRUST, a Nevada trust, ADROON, LLC, a
24 Nevada limited liability company, 2111 S.
MARYLAND, LLC, and Nevada limited
25 liability company, FAA FOI TUITAMA,
individually, ADVANCED MED LLC, a
26 California limited liability company, GREEN
TREE SERVICES, LLC, dba MTC WEST
27 COAST MEDICAL TRAINING CENTERS, a
Nevada limited-liability company, VALLEY
28 WELLNESS AND RECOVERY, an entity of

Case No. 2:15-cv-1434-GMN-VCF

**JOINT STATUS REPORT RE: PENDING
SETTLEMENT MATTERS AND
POTENTIAL CASE CONCLUSION**

1 unknown origin, and, GOOD HANDS
2 CHIROPRACTIC, INC. dba GOOD HANDS
3 CHIROPRACTIC, a Nevada corporation,

4
5 Defendants.

6 The above parties through their respective counsels for record hereby submit the following
7 joint interim status report and order to update the Court on the status of recent case developments,
8 including potential settlement and a stay of all dispositive motions pending completion of
9 settlement agreement.

10 **I. CASE POSTURE**

11 **A. Status of Pending Motions**

12 This case is currently in the dispositive motion phase, and there are three (3) motions
13 currently before the Court. They are:

- 14 • Green Tree Defendants' Motion to Dismiss 2nd Amended Complaint (Dkt.#128);
- 15 • Green Tree Defendants' Motion for Summary Judgment (Dkt. #150); and
- 16 • Plaintiffs' Motion for Spoliation of Evidence Sanctions (Dkt. #161).

17 The motion to dismiss second amended complaint has been fully briefed and is pending
18 before the Court. By contrast, both the motion for summary judgment and the motion for
19 spoliation of evidence sanctions are in the briefing stage, and are not yet ripe for consideration by
20 the Court.

21 An Interim Status Report was filed with the Court on December 15, 2016 (Dkt. #107). The
22 parties indicated three (3) potential trial dates between September and October, 2017, however to
23 date no trial date has been set. This is very likely in large part to the outstanding discovery
24 matters that we have been outlined in detail in the Joint Status Report Regarding Outstanding
25 Discovery Matters on August 8, 2017 (Dkt. #155). The outstanding discovery matters also
26 contributed to the extensions of time granted by the Court in responding to Green Tree
27 Defendants' Motion for Summary Judgment. An Order Granting the Third Extension of Time to
28 Respond to the Motion for Summary Judgment was entered by the Court on October 10, 2017.

(Dkt. #163). This extension provided for Plaintiffs' response to be filed by October 16, 2017. *Id.*¹ These aforementioned discovery matters also formed the basis of Plaintiffs' motion for spoliation of evidence sanctions. (Dkt. #161).

B. Agreement to Stay of Dispositive Motions

By October 13, 2017, the parties were engaged in serious settlement discussions that carried over into the weekend. On October 16, 2017, the parties reached and preliminary agreement in principle as to the amount of settlement that would resolve the lawsuit as to all parties. There are still several material terms and conditions of this potential settlement that need to be resolved before a formal agreement can be reached. The parties are currently working towards resolving these remaining material and principle terms. To that end, the parties have agreed to a general stay of thirty (30) days with respect to all dispositive motions in order to focus on completing a settlement agreement.

This agreement to stay responses to dispositive motions includes: 1) Plaintiffs' response to Green Tree Defendants' motion for summary judgment as well as Green Tree Defendants' Reply; and 2) all Defendants' response to the motion for spoliation of evidence sanctions as well as Plaintiffs' Reply².

II. REQUEST FOR STAY AND STATUS HEARING

Pursuant to the efforts outlined above by all parties to resolve this matter completely, they request the Court issue a stay of thirty (30) days on responses and replies to all dispositive motions so that a complete settlement can be reached. The remaining issues involve material terms between Plaintiffs and Defendant Obteen Nassiri, that if reached, would conclude this litigation as to all Defendants (including the Green Tree Defendants). The parties believe that these remaining

¹ As outlined in the sections below, the parties have agreed to a 30-day "stay" of all dispositive motion practice, including responses to motions, while settlement is finalized and formalized between the parties. As such, Plaintiffs (per this agreement) will not be filing their response to summary judgment at this time.

² Plaintiffs have been informed by Nassiri's counsel that his response to the spoliation of sanctions motion was filed on October 16th prior to the final agreement for the stay being in place. Regardless of the filing, the parties are in agreement on the stay for this motion as to all parties.

1 terms and conditions can be reached by and between the parties directly with no need for
2 mediation, settlement conference or other form of alternative dispute resolution.

3 The parties also request a thirty (30) day status report from today to inform and advise the
4 Court on the status of this preliminary settlement agreement. While the parties are hopeful that
5 settlement can be completed and terms agreed to, they also understand that as of yet there is still
6 work to do and there is always the possibility that a final agreement as to material terms may not
7 be reached. In the event that this unlikely scenario occurs, the parties can report to the Court that
8 settlement could not be reached and present briefing/response deadlines so that the pending
9 motions can be reinstituted. If a full agreement is reached and executed, then the parties can so
10 report in that supplemental status report.

11 **III. CONCLUSION**

12 The parties hereby request a 30-day stay of all dispositive motions pending the completion
13 of settlement discussions between the parties to come to a final resolution of this litigation. The
14 parties request an Order for a supplemental status report to be filed with the Court within 30 days
15 to advise whether a full and complete settlement has been reached.

16 In the event settlement is not reached, the dates shall be issued for the completion of the
17 briefing of the pending dispositive motions.

18 DATED this 17th day of October, 2017

DATED this 17th day of October, 2017

19 McCORMICK, BARSTOW, SHEPPARD,
20 WAYTE & CARRUTH LLP

FRIZELL LAW FIRM PC

21 By /s/ Dylan Todd

By /s/ Duane Frizell

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Attorneys for Defendants Faa Foi Tuitama,
Advanced Med LLC, and Green Tree
Services LLC

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///

1 DATED this 17th day of October, 2017

2 HUTCHISON & STEFFEN

3
4 By /s/ Todd Moody

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Attorney for HARLEY TRUCK, LLC,
OBTEEN NASSIRI, D.C., JENNIFER
NASSIRI, DAA TRUST

9
10 IT IS SO ORDERED.

11 DATED this 24th
12 day of October, 2017.

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15 UNITED STATES MAGISTRATE ~~COURT~~ JUDGE

16 IT IS HEREBY ORDERED that a status hearing
17 is scheduled for 11:00 AM, November 27, 2017, in
18 courtroom 3D.
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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of October, 2017, a true and correct copy of **JOINT STATUS REPORT RE: PENDING SETTLEMENT MATTERS AND POTENTIAL CASE CONCLUSION** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

SERVICE LIST

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UNREPRESENTED AS OF 1/21/16

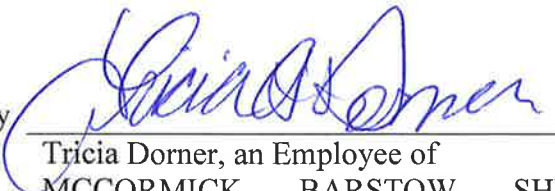
2111 S. Maryland, LLC

MTC West Coast Medical Training Centers

Valley Wellness and Recovery

Good Hands Chiropractic, Inc.

By


Tricia Dorner, an Employee of
MCCORMICK, BARSTOW, SHEPPARD,
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